

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2021

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.(NPD) No.888 of 2017

and

CMP.No.4363 of 2017

1. Rajarathnammal
2. M.Kannan
3. M.Ramasamy
4. Lakshmanasamy

... Petitioners

Vs.

1. Mallika
2. Rajalakshmi
3. Indirani

... Respondents

Prayer:- Civil Revision Petition filed under Section 227 of The Constitution of India, praying to set aside the fair and final order dated 11.07.2016 made in R.E.A.No.29 of 2016 in R.E.P.No.32 of 2011 in O.S.No.1554 of 1979 on the file of the Sub Court, Attur.

For Petitioners : Mr.S.Kaithaimalai Kumaran
for M/s.Zeenath Begum
For Respondents : Mr.P.Jagadeesan
for R1 to R3

ORDER

This Civil Revision Petition is directed as against the order dated 11.07.2016 in R.E.A.No.29 of 2016 in R.E.P.No.32 of 2011 in O.S.No.1554 of 1979 on the file of the Sub Court, Attur, thereby, allowing the petition to implead the legal heirs of the deceased third petitioner in execution proceedings.

2. The respondents are the legal heirs of the sole plaintiff. The petitioners are the defendants. The deceased plaintiff filed a suit for declaration and recovery of possession and the same was decreed by judgment and decree dated 12.10.1981. Thereafter, the sole plaintiff died and the legal heirs of the deceased plaintiff filed execution petition. While pending execution petition, one of the legal heir of the deceased plaintiff also died. Therefore, the first respondent herein filed a petition to implead herself as the legal heir of the deceased third petitioner and the same was allowed. The only point raised by the petitioners is that the first respondent is not the legally wedded wife of the deceased third petitioner. The suit filed for declaration and recovery of possession. All the other respondents are the

legal heirs of the sole deceased plaintiff. Therefore, the Trial Court has rightly allowed the petition filed by the first respondent and hence, there is no perversity or infirmity in the order passed by the Court below.

3. In view of the above, this Civil Revision Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

17.03.2021

Index : Yes/No

Speaking order/Non-speaking order
kmi

To

1. The Subordinate Judge,
Attur.

2. The Section Officer,
V.R. Section,
Madras High Court,
Chennai.

सत्यमेव जयते

WEB COPY

C.R.P.(NPD)No.888 of 2017

G.K.ILANTHIRAIYAN, J.

kmi



C.R.P.(NPD) No.888 of 2017
and CMP.No.4363 of 2017

WEB COPY

17.03.2021